

REMARKS

Summary of the Amendment

Upon entry of the above amendment, the specification and claims 1, 23 and 25 will have been amended, and claims 35-43 will have been added. Accordingly, claims 1, 2, 4-9, and 11-43 will be pending with claims 1, 23 and 25 being in independent form.

Summary of the Official Action

In the instant Office Action, the Examiner objected to the specification as containing incorrect formulas. The Examiner also objected to the Amendment filed on September 20, 2006 as allegedly introducing new matter. The Examiner additionally rejected claims 1-22, 24, 29 and 31 as failing to comply with the written description requirement. Finally, the Examiner rejected claims 1, 2, 4-6, 8, 9 and 11-34 over the art of record. By the present amendment and remarks, Applicant submits that the objections and rejections have been overcome, and respectfully requests reconsideration of the outstanding Office Action and allowance of the present application.

Objection to the Specification is moot

The Examiner objected to the specification on page 2 of the instant Office Action because the specification contains formulas which Applicant has acknowledged to be incorrect.

By this Amendment, Applicant has amended the specification to remove the formulas which Applicant has acknowledged to be incorrect.

In view of the above, Applicant requests that the Examiner reconsider and withdraw the

objection to the specification and indicate that the specification is acceptable under the Patent Office Rules.

Traversal of the Section 132, Objection

The Amendment filed on September 20, 2006 was objected to because it allegedly introduces new matter. Applicant disagrees and submits that this basis of objection is improper.

The Examiner asserts that the claim language explaining that a ratio of the width X to the width Y increases as a diameter of a rim D_R to which the vehicle tire can be connected decreases is not supported by the original disclosure and that the original specification actually teaches away from this feature.

Applicant disagrees. Fig. 2 of the instant application provides full and clear support for the noted feature. Furthermore, the description of Fig. 2 in the “Brief Description of the Drawings” section of the specification specifically describes Fig. 2 as showing “three different dimensions shown in scale.” Finally, paragraphs [0040] – [0042] of the originally filed specification explain

[0040] Fig. 2 shows the tire profile from Fig. 1 compared with essentially identical tire profiles 1a and 1b of other tire dimensions. The arrows X respectively represent the axial width of the pair of center block rows 3, 5; 3a, 5a; and 3b, 5b. The arrow Y shows the width of the road contact area, the borders of which respectively run through the shoulder block rows 2, 4; 2a, 4a; and 2b, 4b.

[0041] The profile 1 is one of the tire dimension 225/45 R17, while the profile 1a is one of the tire dimension 195/65 R15 and the profile 1b one of the tire dimension 135/80 R13.

[0042] As can be seen in Fig. 2, in particular, the shoulder block rows 2, 4 of the profile 1 are each disproportionately wider than an overall width of the profile center block rows 3, 5. Accordingly, the profile center block rows 3, 5 of the profile 1 is disproportionately narrower (relative to rows 2, 4) the when compared to the profiles 1a and 1b of the smaller tire dimensions (relative to rows 2a, 4a and rows 2b, 4b) (emphasis added).

The above-noted language describing Fig. 2 and Fig. 2 itself fully and clearly supports the noted claim language. Furthermore, while it is true that the formulas have been acknowledged by Applicant to be incorrect (and have therefore been deleted from the claims and the specification), it is apparent from a fair reading of the specification that the remaining portion of the disclosure is fully consistent with the teachings of Fig. 2.

Applicant notes, for example, that original independent claim 25 did not require the formula and was fully consistent with Fig. 2. As such, Applicant intended to obtain patent protection for an invention that did not necessarily require the formula and that was supported by Fig. 2. Additionally, Applicant has never asserted in the specification that the formula was critical to the invention so as to require its inclusion in the claims.

Thus, Applicant respectfully submits that each feature recited in these noted claims, as presented in the Amendment filed on September 20, 2006 (and as now amended), finds full and clear support in the original disclosure and contains no new matter.

In view of the above explanation, the Examiner is respectfully requested to withdraw the above-noted objection.

Traversal of the Section 112, first paragraph, Rejection

Claims 1-22, 24, 29 and 31 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Applicant submits that this basis of rejection is improper.

The Examiner asserts that the claim language reciting a ratio of the width X to the width Y

increases as a diameter of a rim D_R to which the vehicle tire can be connected decreases is not supported by the original disclosure and that the original specification actually teaches away from this feature.

Applicant disagrees. As explained above, Fig. 2 of the instant application provides full and clear support for the noted feature. Furthermore, the description of Fig. 2 in the “Brief Description of the Drawings” section of the specification specifically describes Fig. 2 as showing “three different dimensions shown in scale.” Finally, paragraphs [0040] – [0042] of the originally filed specification explain

[0040] Fig. 2 shows the tire profile from Fig. 1 compared with essentially identical tire profiles 1a and 1b of other tire dimensions. The arrows X respectively represent the axial width of the pair of center block rows 3, 5; 3a, 5a; and 3b, 5b. The arrow Y shows the width of the road contact area, the borders of which respectively run through the shoulder block rows 2, 4; 2a, 4a; and 2b, 4b.

[0041] The profile 1 is one of the tire dimension 225/45 R17, while the profile 1a is one of the tire dimension 195/65 R15 and the profile 1b one of the tire dimension 135/80 R13.

[0042] As can be seen in Fig. 2, in particular, the shoulder block rows 2, 4 of the profile 1 are each disproportionately wider than an overall width of the profile center block rows 3, 5. Accordingly, the profile center block rows 3, 5 of the profile 1 is disproportionately narrower (relative to rows 2, 4) the when compared to the profiles 1a and 1b of the smaller tire dimensions (relative to rows 2a, 4a and rows 2b, 4b) (emphasis added).

The above-noted language describing Fig. 2 and Fig. 2 itself fully and clearly supports the noted claim language. Furthermore, while it is true that the formulas have been acknowledged by Applicant to be incorrect (and have therefore been deleted from the claims and the specification), it is apparent from a fair reading of the specification that the remaining portion of the disclosure is fully consistent with the teachings of Fig. 2.\

Again, Applicant notes, for example, that original independent claim 25 did not require the formula and was fully consistent with Fig. 2. As such, Applicant intended to obtain patent protection for an invention that did not necessarily require the formula and that was supported by Fig. 2. Additionally, Applicant has never asserted in the specification that the formula was critical to the invention so as to require its inclusion in the claims.

With regard to the Examiner's comments regarding claims 19-21, Applicant notes that all tires inherently have a radial plane as defined in claim 19. Furthermore, it is well known that a radial plane extends from an axis and radially outwards. Finally, although the Examiner has alleged that "a radial plane may extend in the axial direction", the Examiner has failed to explain the inherent contradiction of also asserting that such a radial plane can "pass through a center circumferential groove." A radial plane is a plane which is parallel to or arranged on radius vectors extending from a center axis point. Clearly, such a plane could pass through a center circumferential groove or any circumferential groove. However, a radial plane by definition extends in a radial direction and not in an axial direction which is arranged parallel to an axis.

Applicant submits that literal support for claim features is not a requirement of under 35 U.S.C. § 112, first paragraph. Paragraph [0017] of the specification explains that the diagonal grooves can have a "swept back course". Paragraph [0028] of the specification explains that the diagonal grooves can have a "swept back configuration". Furthermore, paragraph [0038] of the specification explains that the diagonal grooves have "an entire course ... selected such that they run beginning between the blocks 7, 8 of the center block rows 3, 5 at least essentially continuously up to the tread rubber edge and beyond this, whereby the type of tread rubber profile called 'swept back' is

produced”. Note that the language explaining that the grooves “run beginning between the blocks 7, 8” clearly provides support for the grooves extending to the center groove 14. Finally, Figs. 1 and 2 clearly show that the diagonal grooves 13 are continuously curved and extend to the center groove 14.

Applicant reminds the Examiner that “the failure of the specification to specifically mention a limitation that later appears in the claims is not a fatal one when one skilled in the art would recognize upon reading the specification that the new language reflects what the specification shows has been invented.” See *All Dental Prodx, LLC v. Advantage Dental Products, Inc.*, 309 F.3d 774 (Fed. Cir. 2002) noting *Eiselstein v. Frank*, 52 F.3d 1035, 1039, 34 USPQ2d 1467, 1470 (Fed. Cir. 1995). A copy of the *All Dental Prodx* case can be provided if the Examiner is unable to obtain a copy of the same. In this case, Applicant submits that not only the recited diagonal grooves are at the very least literally shown in the figures, they are also inherently disclosed in the specification. Thus, it is submitted that one having ordinary skill in the art would readily recognize all of the features of the claimed invention in view of the disclosure of the instant application.

Applicant therefore respectfully submits that each feature recited in these noted claims, including the features relating to the diagonal grooves, finds full and clear support in the original disclosure and the claims are fully enabled.

In view of the above explanation, the Examiner is respectfully requested to withdraw the above-noted rejection.

Traversal of Rejection Under 35 U.S.C. § 102

Over JP 2003-80907

Applicant traverses the rejection of claims 1-2, 4-6, 8, 14, 17, 18, 22-25 and 27-34 under 35 U.S.C. § 102(a, b) as being anticipated by JP 2003 -80907.

The Examiner asserted that this document discloses all the features recited in these claims including the recited grooves, blocks and diagonal grooves. Applicant respectfully traverses this rejection.

Notwithstanding the Office Action assertions as to what this document discloses, Applicant submits that this document fails to disclose, or even suggest: inter alia, each of the two shoulder block rows and each of the pair of center block rows comprising blocks, each of the blocks comprising a plurality of fine indents running generally parallel to one another, and the fine indents of the blocks of the two shoulder block rows being sinusoidal indents and the fine indents of the blocks of the pair of center block rows being one of stepped and saw-toothed, as recited in at least independent claim 1; inter alia, that a width of the plurality of fine indents of the blocks of the left and right side shoulder block rows is narrower than a width of the plurality of fine indents of the blocks of the left and right side inner block rows, as recited in independent claim 23, and inter alia, that a width of the plurality of fine indents of the blocks of the left and right side shoulder block rows is narrower than a width of the plurality of fine indents of the blocks of the left and right side inner block rows, as recited in independent claim 25.

Additionally, Applicant submits that this document fails to disclose, or even suggest: inter alia, two circumferentially adjacent blocks of the two shoulder block rows having different

circumferential lengths and two circumferentially adjacent blocks of the pair of center block rows having different circumferential lengths, as recited in at least independent claim 1; and inter alia, that two circumferentially adjacent blocks of the left and right side shoulder block rows have different circumferential lengths and two circumferentially adjacent blocks of the left and right side inner block rows having different circumferential lengths, as recited in independent claims 23 and 25.

Applicant acknowledges that JP '907 discloses a tire having a center groove 1, center block rows 5 and 6, shoulder block rows 3, first and second circumferential grooves 2, swept diagonal grooves 3a/3b, and fine indents in each of the blocks 3, 5 and 6 (see Figs.1-3). However, it is clear from Figs. 1-3 that JP '907 does not disclose, or even suggest, that the fine indents of the blocks of the two shoulder block rows are sinusoidal indents and that the fine indents of the blocks of the pair of center block rows being one of stepped and saw-toothed (claim 1). To the contrary, while it is apparent that the fine indents of the blocks 3 are sinusoidal, the fine indents of the blocks 5 and 6 are either sinusoidal (Fig. 1), angled (Fig. 2) or straight (Fig. 3). Furthermore, it is not apparent from the figures of JP '907 that this document discloses, or even suggests, that a width of the plurality of fine indents of the blocks of the two shoulder block rows 3 is narrower than a width of the plurality of fine indents of the blocks of the pair of center block rows 5 and 6 (claims 23 and 25).

Furthermore, it is apparent from the drawings that JP '907 teaches to make the adjacent blocks of the center block rows and the shoulder block rows so as to have the same circumferential lengths and is silent with regard to two circumferentially adjacent blocks of the left and right side shoulder block rows having different circumferential lengths and two circumferentially adjacent blocks of the left and right side inner block rows having different circumferential lengths.

Thus, Applicant submits that the above-noted claims are not disclosed, or even suggested, by any proper reading of JP '907.

Applicant further notes that, for an anticipation rejection under 35 U.S.C. § 102 to be proper, each element of the claim in question must be disclosed in a single document, and if the document relied upon does not do so, then the rejection must be withdrawn.

Because the applied document fails to disclose or suggest at least the above-noted features of the instant invention, Applicant submits that any proper reading of this document fails to render unpatentable the combination of features recited in at least independent claims 1, 23 and 25.

Moreover, Applicant submits that dependent claims 2, 4-6, 8, 14, 17, 18, 22, 24, 27-34 are allowable at least for the reason that these claims depend from allowable base claims and because these claims recite additional features that further define the present invention. In particular, Applicant submits that no proper reading of JP '907 discloses or suggests, in combination: that the vehicle tire is a winter tire as recited in claim 2; that D_R comprises one of 14 inches, 15 inches, 16 inches and 17 inches as recited in claim 4; that D_R comprises a value between 12 inches and 21 inches as recited in claim 5; that D_R comprises a value greater than 13 inches as recited in claim 6; that each of the plurality of fine indents of the blocks of the pair of center block rows comprise long sections running at least essentially in a crosswise direction and short sections as recited in claim 8; that the central circumferential groove forms an axis of symmetry of the tread rubber profile as recited in claim 14; that the plurality of fine indents of the blocks of the two shoulder block rows are oriented at an angle of between approximately 70 degrees and approximately 85 degrees relative to the circumferential direction as recited in claim 17; that the plurality of fine indents of the blocks of

the pair of center block rows are oriented at an angle of between approximately 80 degrees and approximately 90 degrees relative to the circumferential direction as recited in claim 18; that each diagonal groove is both a continuously curved groove and a swept-back groove as recited in claim 22; that a ratio of the width X to the width Y increases as a diameter of a rim D_R to which the vehicle tire can be connected decreases as recited in claim 24; that each of the blocks comprise edges delineating the continuously curved diagonal grooves which are oriented at an angle that is not perpendicular to a circumferential direction as recited in claim 27; that each of the blocks comprises a plurality of fine indents running generally parallel to one another as recited in claim 28; that a ratio of the width X to the width Y increases as a diameter of a rim D_R to which the vehicle tire can be connected decreases as recited in claim 29; that the vehicle tire is a winter tire as recited in claim 30; that the center circumferential groove is generally narrower than the first and second circumferential grooves as recited in claim 31; that the center circumferential groove is generally narrower than the left and right side circumferential grooves as recited in claim 32; that the fine indents of the blocks of the left and right side shoulder block rows being sinusoidal indents and the fine indents of the blocks of the left and right side inner block rows being one of stepped and saw-toothed as recited in claim 33; and that the fine indents of the blocks of the left and right side shoulder block rows being sinusoidal indents and the fine indents of the blocks of the left and right side inner block rows being one of stepped and saw-toothed as recited in claim 34.

Applicant requests that the Examiner reconsider and withdraw the rejection of the above-noted claims under 35 U.S.C. § 102(a, b).

Traversal of Rejections Under 35 U.S.C. § 103

Over JP '907 alone

Applicant traverses the rejection of claims 15-21 under 35 U.S.C. § 103(a) as being unpatentable over JP '907 alone.

The Examiner essentially acknowledges that JP '907 fails to disclose or suggest the features recited in the above-noted claims, but that it would have been obvious to modify JP '907 so as to include the missing features. Applicant respectfully traverses this rejection.

Notwithstanding the Examiner's assertions as to what JP '907 discloses or suggests, Applicant submits that in addition to failing to anticipate the invention recited in amended independent claim 1, JP '907 also fails to teach or suggest the invention recited in at least dependent claim 1.

Applicant directs the Examiner's attention to the guidelines identified in M.P.E.P. section 2141 which state that "[i]n determining the propriety of the Patent Office case for obviousness in the first instance, it is necessary to ascertain whether or not the reference teachings would appear to be sufficient for one of ordinary skill in the relevant art having the reference before him to make the proposed substitution, combination, or other modification." *In re Linter*, 458 F.2d 1013, 1016, 173 USPQ 560, 562 (CCPA 1972).

As this section clearly indicates, "[o]bviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. *In re Fine*, 837 F.2d 1071, 5

USPQ2d 1596 (Fed. Cir. 1988); *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).”

Moreover, it has been legally established that “[t]he mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990) Although a prior art device ‘may be capable of being modified to run the way the apparatus is claimed, there must be a suggestion or motivation in the reference to do so.’ 916 F.2d at 682, 16 USPQ2d at 1432.). See also *In re Fritch*, 972 F.2d 1260, 23 USPQ2d 1780 (Fed. Cir. 1992) (flexible landscape edging device which is conformable to a ground surface of varying slope not suggested by combination of prior art references).”

Additionally, it has been held that “[a] statement that modifications of the prior art to meet the claimed invention would have been ‘well within the ordinary skill of the art at the time the claimed invention was made’ because the references relied upon teach that all aspects of the claimed invention were individually known in the art is not sufficient to establish a prima facie case of obviousness without some objective reason to combine the teachings of the references. *Ex parte Levengood*, 28 USPQ2d 1300 (Bd. Pat. App. & Inter. 1993).”

Accordingly, Applicant submits that the Examiner’s assertions are unsupported and should be withdrawn. Moreover, Applicant notes that the Examiner’s asserted modification is clearly unsupported by any disclosure in JP ‘907.

Thus, Applicant submits that there is no motivation to modify JP ‘907 in a manner which would render obvious Applicant’s invention, and additionally, Applicant submits that there is no motivation or rationale disclosed or suggested in the prior art to modify the applied reference in the

manner suggested by the Examiner. The Examiner's opinion does not provide a proper basis for these features or for the motivation to modify this document in the manner suggested by the Examiner. Therefore, Applicant submits that the invention as recited in at least independent claim 1 is not rendered obvious by any reasonable inspection and interpretation of the disclosure of the applied reference.

Finally, Applicant submits that dependent claims dependent claims 15-21 are allowable at least for the reason that these claims depend from allowable base claims and because these claims recite additional features that further define the present invention. In particular, Applicant submits that no proper reading of JP '907 discloses or suggests, in combination: that at least some of the blocks arranged on opposite sides of the central circumferential groove are spaced from the axis of symmetry between approximately 5 mm and approximately 50 mm as recited in claim 15; that at least some of the blocks arranged on opposite sides of the central circumferential groove are spaced from the axis of symmetry by approximately 11.5 mm as recited in claim 16; that the plurality of fine indents of the blocks of the two shoulder block rows are oriented at an angle of between approximately 70 degrees and approximately 85 degrees relative to the circumferential direction as recited in claim 17; that the plurality of fine indents of the blocks of the pair of center block rows are oriented at an angle of between approximately 80 degrees and approximately 90 degrees relative to the circumferential direction as recited in claim 18; that the plurality of fine indents of the blocks of the two shoulder block rows are oriented at a first angle relative to a radial plane of the tire and wherein the plurality of fine indents of the blocks of the pair of center block rows are oriented at a second angle relative to a radial plane of the tire, and wherein the first and second angles comprise

P24834.A08

values which are between approximately 5 degrees and approximately 15 degrees as recited in claim 19; the first and second angles comprise a value which is approximately 10 degrees as recited in claim 20; and that the first and second angles comprise a value which is between approximately 5 degrees and approximately 10 degrees as recited in claim 21.

Applicant requests that the Examiner reconsider and withdraw the rejection of the above-noted claims under 35 U.S.C. § 103(a).

Over JP '907 with Rodewald

Applicant respectfully traverses the rejection of claims 13, 23-25, 27-30 and 32 under 35 U.S.C. § 103(a) as unpatentable over JP '907 and in view of EP 0 846 577 to RODEWALD.

The Examiner acknowledged that JP '907 lacks, among other things, the recited fine indent widths. However, the Examiner asserted that these features are obvious and suggested by RODEWALD. The Examiner then concluded that it would have been obvious to one of ordinary skill in the art to combine the teachings of these documents. Applicant respectfully traverses this rejection.

Notwithstanding the Office Action assertions as to what this document discloses, Applicant submits that this document fails to disclose, or even suggest: inter alia, each of the two shoulder block rows and each of the pair of center block rows comprising blocks, each of the blocks comprising a plurality of fine indents running generally parallel to one another, and the fine indents of the blocks of the two shoulder block rows being sinusoidal indents and the fine indents of the blocks of the pair of center block rows being one of stepped and saw-toothed, as recited in at least

independent claim 1; inter alia, that a width of the plurality of fine indents of the blocks of the left and right side shoulder block rows is narrower than a width of the plurality of fine indents of the blocks of the left and right side inner block rows, as recited in independent claim 23, and inter alia, that a width of the plurality of fine indents of the blocks of the left and right side shoulder block rows is narrower than a width of the plurality of fine indents of the blocks of the left and right side inner block rows, as recited in independent claim 25.

Additionally, Applicant submits that this document fails to disclose, or even suggest: inter alia, two circumferentially adjacent blocks of the two shoulder block rows having different circumferential lengths and two circumferentially adjacent blocks of the pair of center block rows having different circumferential lengths, as recited in at least independent claim 1; and inter alia, that two circumferentially adjacent blocks of the left and right side shoulder block rows have different circumferential lengths and two circumferentially adjacent blocks of the left and right side inner block rows having different circumferential lengths, as recited in independent claims 23 and 25.

As explained above, Applicant acknowledges that JP '907 discloses a tire having a center groove 1, center block rows 5 and 6, shoulder block rows 3, first and second circumferential grooves 2, swept diagonal grooves 3a/3b, and fine indents in each of the blocks 3, 5 and 6 (see Figs.1-3). However, it is clear from Figs. 1-3 that JP '907 does not disclose, or even suggest, that the fine indents of the blocks of the two shoulder block rows are sinusoidal indents and that the fine indents of the blocks of the pair of center block rows being one of stepped and saw-toothed (claim 1). To the contrary, while it is apparent that the fine indents of the blocks 3 are sinusoidal, the fine indents of the blocks 5 and 6 are either sinusoidal (Fig. 1), angled (Fig. 2) or straight (Fig. 3). Furthermore, it is

not apparent from the figures of JP '907 that this document discloses, or even suggests, that a width of the plurality of fine indents of the blocks of the two shoulder block rows 3 is narrower than a width of the plurality of fine indents of the blocks of the pair of center block rows 5 and 6 (claims 23 and 25).

Furthermore, it is apparent from the drawings that JP '907 teaches to make the adjacent blocks of the center block rows and the shoulder block rows so as to have the same circumferential lengths and is silent with regard to two circumferentially adjacent blocks of the left and right side shoulder block rows having different circumferential lengths and two circumferentially adjacent blocks of the left and right side inner block rows having different circumferential lengths.

RODEWALD does not cure the deficiencies of JP '907. Applicant acknowledges that RODEWALD appears to disclose a tire having center rows with adjacent blocks of different circumferential lengths and shoulder block rows with adjacent blocks of different circumferential lengths (see Fig. 1). However, the embodiment of Fig. 1 does not utilize a central circumferential groove as recited in claims 1, 23 and 25.

Furthermore, it is apparent from a fair review of the drawings of this document that RODEWALD does not disclose, or even suggest, among other things recited in claim 1, a tread wherein the diagonal grooves are swept grooves and/or continuously curved grooves that extend from the center circumferential groove to a respective tire edge, such that the diagonal grooves run essentially continuously up to and beyond the respective tire edge and each diagonal groove passing through one of the center block rows and one of the shoulder block rows, whereby the diagonal grooves define the blocks in the circumferential direction. To the contrary, Fig. 4 of RODEWALD

does not shows any diagonal grooves passing through the center rows and shows non-swept and straight non-curved diagonal grooves in the shoulder block rows. RODEWALD also fails to disclose or suggest that the fine indents of the blocks of the two shoulder block rows are sinusoidal indents and that the fine indents of the blocks of the pair of center block rows being one of stepped and saw-toothed (claim 1). To the contrary, the fine indents of the shoulder blocks are straight and the fine indents of the center row blocks are also straight (see Figs. 1-4).

Thus, Applicant submits that the above-noted documents fail to disclose or suggest the features recited in at least amended independents claim 1, 23 and 25. Because no proper combination of the above-noted documents discloses or suggests at least the above-noted features of the instant invention, Applicant submits that no proper combination of JP '907 and RODEWALD can render unpatentable the combination of features recited in at least independent claims 1, 23 and 25.

Furthermore, Applicant submits that there is no motivation or rationale disclosed or suggested in the art to modify any of the applied documents in the manner asserted by the Examiner. Nor does the Examiner's opinion provide a proper basis for these features or for the motivation to modify these documents, in the manner suggested by the Examiner. Therefore, Applicant submits that the invention as recited in at least independent claims 1, 23 and 25 is not rendered obvious by any reasonable inspection of these disclosures.

Finally, Applicant submits that dependent claims 13, 24, 27-30 and 32 are allowable at least for the reason that these claims depend from an allowable base claim and because these claims recite additional features that further define the present invention. In particular, Applicant submits that no

proper combination of JP '907 and RODEWALD discloses or suggests, in combination: that a width of the plurality of fine indents of the blocks of the two shoulder block rows is narrower than a width of the plurality of fine indents of the blocks of the pair of center block rows as recited in claim 13; that a ratio of the width X to the width Y increases as a diameter of a rim D_R to which the vehicle tire can be connected decreases as recited in claim 24; that each of the blocks comprise edges delineating the continuously curved diagonal grooves which are oriented at an angle that is not perpendicular to a circumferential direction as recited in claim 27; that each of the blocks comprises a plurality of fine indents running generally parallel to one another as recited in claim 28; that a ratio of the width X to the width Y increases as a diameter of a rim D_R to which the vehicle tire can be connected decreases as recited in claim 29; that the vehicle tire is a winter tire as recited in claim 30; and that the center circumferential groove is generally narrower than the left and right side circumferential grooves as recited in claim 32.

Accordingly, Applicant requests that the Examiner reconsider and withdraw the above-noted rejection under 35 U.S.C. § 103(a) and indicate that this claim is allowable over the applied art of record.

Over JP '907 with Colombo

Applicant traverses the rejection of claims 25-34 under 35 U.S.C. § 103(a) as being unpatentable over JP '907 in view of WO 02/068222 to COLOMBO.

The Examiner essentially acknowledges that JP '907 fails to disclose or suggest the recited groove widths, but asserts that COLOMBO discloses this feature, and that it would have been

obvious to combine the teachings of these documents. Applicant respectfully traverses this rejection.

Notwithstanding the Office Action assertions as to what this document discloses, Applicant submits that this document fails to disclose, or even suggest: inter alia, each of the two shoulder block rows and each of the pair of center block rows comprising blocks, each of the blocks comprising a plurality of fine indents running generally parallel to one another, and the fine indents of the blocks of the two shoulder block rows being sinusoidal indents and the fine indents of the blocks of the pair of center block rows being one of stepped and saw-toothed, as recited in at least independent claim 1; inter alia, each of the left and right side shoulder block rows and each of the left and right side inner block rows comprising blocks, the blocks being defined by continuously curved diagonal grooves that extend from the center circumferential groove to a respective tread rubber edge, each continuously curved diagonal groove running essentially continuously up to and beyond the respective tread rubber edge, whereby left side continuously curved diagonal grooves pass through the left side inner block row and the left side shoulder block row and whereby right side continuously curved diagonal grooves pass through the right side inner block row and the right side shoulder block row, as recited in independent claim 23, inter alia, each of the left and right side shoulder block rows and each of the left and right side inner block rows comprising blocks, the blocks being defined by continuously curved diagonal grooves that extend from the center circumferential groove to a respective tread rubber edge, each continuously curved diagonal groove running essentially continuously up to and beyond the respective tread rubber edge, whereby left side continuously curved diagonal grooves pass through the left side inner block row and the left side

shoulder block row and whereby right side continuously curved diagonal grooves pass through the right side inner block row and the right side shoulder block row, as recited in independent claim 25.

As explained above, Applicant acknowledges that JP '907 discloses a tire having a center groove 1, center block rows 5 and 6, shoulder block rows 3, first and second circumferential grooves 2, swept diagonal grooves 3a/3b, and fine indents in each of the blocks 3, 5 and 6 (see Figs.1-3). However, it is clear from Figs. 1-3 that JP '907 does not disclose, or even suggest, that the fine indents of the blocks of the two shoulder block rows are sinusoidal indents and that the fine indents of the blocks of the pair of center block rows being one of stepped and saw-toothed (claim 1). To the contrary, while it is apparent that the fine indents of the blocks 3 are sinusoidal, the fine indents of the blocks 5 and 6 are either sinusoidal (Fig. 1), angled (Fig. 2) or straight (Fig. 3). Furthermore, it is not apparent from the figures of JP '907 that this document discloses, or even suggests, that a width of the plurality of fine indents of the blocks of the two shoulder block rows 3 is narrower than a width of the plurality of fine indents of the blocks of the pair of center block rows 5 and 6 (claims 23 and 25).

Furthermore, it is apparent from the drawings that JP '907 teaches to make the adjacent blocks of the center block rows and the shoulder block rows so as to have the same circumferential lengths and is silent with regard to two circumferentially adjacent blocks of the left and right side shoulder block rows having different circumferential lengths and two circumferentially adjacent blocks of the left and right side inner block rows having different circumferential lengths.

COLOMBO does not cure the deficiencies of JP '907. While it is apparent that COLOMBO discloses a tire having a center groove 15, center block rows 18 and 19, shoulder block rows 20 and

21, first and second circumferential grooves 16 and 17, swept diagonal grooves 23 and 24, and fine indents in each of the blocks 18-21 (see Fig. 2), it is clear from Fig. 2 that COLOMBO does not disclose, or even suggest, that the fine indents of the blocks of the two shoulder block rows are sinusoidal indents and that the fine indents of the blocks of the pair of center block rows being one of stepped and saw-toothed (claim 1). To the contrary, the fine indents of the blocks 18 and 19 are straight and the fine indents of the blocks 20 and 21 comprise straight center portions with angled end portions.

It is also clear from Fig. 2 that COLOMBO does not disclose, or even suggest, continuously curved diagonal grooves that extend from the center circumferential groove to a respective tread rubber edge, each continuously curved diagonal groove running essentially continuously up to and beyond the respective tread rubber edge, whereby left side continuously curved diagonal grooves pass through the left side inner block row and the left side shoulder block row and whereby right side continuously curved diagonal grooves pass through the right side inner block row and the right side shoulder block row (claim 23) and/or continuously curved diagonal grooves that extend from the center circumferential groove to a respective tread rubber edge, each continuously curved diagonal groove running essentially continuously up to and beyond the respective tread rubber edge, whereby left side continuously curved diagonal grooves pass through the left side inner block row and the left side shoulder block row and whereby right side continuously curved diagonal grooves pass through the right side inner block row and the right side shoulder block row (claim 25). To the contrary, Figs. 2-4 clearly show that the diagonal grooves have straight sections 27 (see, in particular, Figs. 3 and 4).

Nor has the Examiner identified any prior art which would cure at least these deficiencies so as to support an obviousness rejection.

Thus, Applicant submits that the above-noted claims are not disclosed, or even suggested, by any proper combination of JP '907 and COLOMBO.

Because the applied documents fail to disclose or suggest at least the above-noted features of the instant invention, Applicant submits that no proper combination of these documents can render unpatentable the combination of features recited in at least independent claims 1, 23 and 25.

Furthermore, Applicant submits that the Examiner has neglected to set forth any proper basis for combining the teachings of the applied documents. In establishing a *prima facie* case of obviousness under 35 U.S.C. § 103, it is incumbent upon the Examiner to provide a reason *why* one of ordinary skill in the art would have found it obvious to modify a prior art reference or to combine reference teachings to arrive at the claimed invention. See *Ex parte Clapp*, 227 USPQ 972 (B.P.A.I. 1985) To this end, the requisite motivation must stem from some teaching, suggestion or inference in the prior art as a whole or from the knowledge generally available to one of ordinary skill in the art and not from Applicant's disclosure. See, for example, *Uniroyal, Inc. v. Rudkin-Wiley Corp.*, 837 F.2d 1044, 5 USPQ2d 1434 (Fed. Cir. 1988). As noted above, each of the applied are silent with regard to a number of recited features. Moreover, none of the applied art teach or suggests modifying the tire tread of JP '907 in the manner asserted by the Examiner.

Because the art of record fails to provide any reasonable explanation why one ordinarily skilled in the art would utilize such a tread arrangement, and/or fails to disclose or suggest the problems that such an arrangement would address, Applicant submits that the art of record fails to

provide the requisite motivation or rationale as to *why* one ordinarily skilled in the art would modify JP '907 in the manner asserted by the Examiner. That is, Applicant submits that because the Examiner has not set forth an articulable reason found in the art of record for modifying JP '907 in the manner asserted by the Examiner, the instant rejection has no basis in the art of record, such that the rejection is improper and should be withdrawn.

Finally, Applicant submits that dependent claims dependent claims 26-34 are allowable at least for the reason that these claims depend from allowable base claims and because these claims recite additional features that further define the present invention. In particular, Applicant submits that no proper combination of JP '907 and COLOMBO discloses or suggests, in combination: that the continuously curved diagonal grooves comprise a width that is less than a width of either of the center circumferential groove and the left and right side circumferential grooves as recited in claim 26; that each of the blocks comprise edges delineating the continuously curved diagonal grooves which are oriented at an angle that is not perpendicular to a circumferential direction as recited in claim 27; that each of the blocks comprises a plurality of fine indents running generally parallel to one another as recited in claim 28; that a ratio of the width X to the width Y increases as a diameter of a rim D_R to which the vehicle tire can be connected decreases as recited in claim 29; that the vehicle tire is a winter tire as recited in claim 30; that the center circumferential groove is generally narrower than the first and second circumferential grooves as recited in claim 31; that the center circumferential groove is generally narrower than the left and right side circumferential grooves as recited in claim 32; that the fine indents of the blocks of the left and right side shoulder block rows being sinusoidal indents and the fine indents of the blocks of the left and right side inner block rows

being one of stepped and saw-toothed as recited in claim 33; and that the fine indents of the blocks of the left and right side shoulder block rows being sinusoidal indents and the fine indents of the blocks of the left and right side inner block rows being one of stepped and saw-toothed as recited in claim 34.

Applicant requests that the Examiner reconsider and withdraw the rejection of the above-noted claims under 35 U.S.C. § 103(a).

Over JP '907 with Peschel and Diensthuber

Applicant respectfully traverses the rejection of claims 1, 2, 4-6, 8, 10-12 and 14-22 under 35 U.S.C. § 103(a) as unpatentable over JP '907 in view of DE 197 05 156 to PESCHEL et al.. and US Patent No. 5,660,651 to DIENSTHUBER.

The Examiner acknowledged that JP '907 lacks, among other things, the recited indent configurations. However, the Examiner asserted that these features are obvious and suggested by PESCHEL and DIENSTHUBER. The Examiner then concluded that it would have been obvious to one of ordinary skill in the art to combine the teachings of these documents. Applicant respectfully traverses this rejection.

Notwithstanding the Office Action assertions as to what these documents disclose or suggest, Applicant submits that no proper combination of these documents discloses or suggests, inter alia, each of the two shoulder block rows and each of the pair of center block rows comprising blocks, each of the blocks comprising a plurality of fine indents running generally parallel to one another, and the fine indents of the blocks of the two shoulder block rows being sinusoidal indents and the

fine indents of the blocks of the pair of center block rows being one of stepped and saw-toothed, as recited in at least independent claim 1.

Again, Applicant acknowledges that JP '907 discloses a tire having a center groove 1, center block rows 5 and 6, shoulder block rows 3, first and second circumferential grooves 2, swept diagonal grooves 3a/3b, and fine indents in each of the blocks 3, 5 and 6 (see Figs.1-3). However, it is clear from Figs. 1-3 that JP '907 does not disclose, or even suggest, that the fine indents of the blocks of the two shoulder block rows are sinusoidal indents and that the fine indents of the blocks of the pair of center block rows being one of stepped and saw-toothed (claim 1). To the contrary, while it is apparent that the fine indents of the blocks 3 are sinusoidal, the fine indents of the blocks 5 and 6 are either sinusoidal (Fig. 1), angled (Fig. 2) or straight (Fig. 3), and not stepped or saw-toothed.

PESCHEL does not cure the deficiencies of JP '907. Applicant acknowledges that PESCHEL apparently discloses a tire having a center groove 3, center block rows 2, shoulder block rows 1, and first and second circumferential grooves 4 (see Fig. 1). However, it is clear from a fair review of the disclosure of this document that PESCHEL does not disclose, or even suggest, among other things recited in claim 1, a tread wherein the diagonal grooves are swept grooves and/or continuously curved grooves that extend from the center circumferential groove to a respective tire edge, such that the diagonal grooves run essentially continuously up to and beyond the respective tire edge and each diagonal groove passing through one of the center block rows and one of the shoulder block rows, whereby the diagonal grooves define the blocks in the circumferential direction. To the contrary, Fig. 1 of PESCHEL merely shows non-curved diagonal grooves in and between the center block rows and the shoulder block rows. PESCHEL also fails to disclose or suggest that the fine

indents of the blocks of the two shoulder block rows are sinusoidal indents and that the fine indents of the blocks of the pair of center block rows being one of stepped and saw-toothed (claim 1). While it is true that the fine indents of the blocks 1 are sinusoidal, the fine indents of the blocks 2 are also sinusoidal and not one of stepped and saw-toothed (see Fig. 1).

DIENSTHUBER does not cure the deficiencies of JP '907 and PESCHEL. Applicant acknowledges that DIENSTHUBER apparently discloses a tire having center block rows, shoulder block rows, and circumferential grooves (see Fig. 2). However, it is clear from a fair review of the disclosure of this document that DIENSTHUBER does not disclose, or even suggest, among other things recited in claim 1, a tread wherein the diagonal grooves are swept grooves and/or continuously curved grooves that extend from a center circumferential groove to a respective tire edge, much less, that the diagonal grooves run essentially continuously up to and beyond the respective tire edge and each diagonal groove passing through one of the center block rows and one of the shoulder block rows, whereby the diagonal grooves define the blocks in the circumferential direction. To the contrary, Fig. 2 of DIENSTHUBER merely shows non-curved diagonal grooves in and between the center block rows and the shoulder block rows. DIENSTHUBER also fails to disclose or suggest a central circumferential groove.

Thus, Applicant submits that the above-noted documents fail to disclose or suggest the features recited in at least amended independent claim 1. Because no proper combination of the above-noted documents discloses or suggests at least the above-noted features of the instant invention, Applicant submits that no proper combination of JP '907, PESCHEL and DIENSTHUBER can render unpatentable the combination of features recited in at least independent

claim 1.

Furthermore, Applicant submits that there is no motivation or rationale disclosed or suggested in the art to modify any of the applied documents in the manner asserted by the Examiner. Nor does the Examiner's opinion provide a proper basis for these features or for the motivation to modify these documents, in the manner suggested by the Examiner. Therefore, Applicant submits that the invention as recited in at least independent claim 1 is not rendered obvious by any reasonable inspection of these disclosures.

Finally, Applicant submits that dependent claims 2, 4-6, 8, 10-12 and 14-22 are allowable at least for the reason that these claims depend from an allowable base claim and because these claims recite additional features that further define the present invention. In particular, Applicant submits that no proper combination of JP '907, PESCHEL and DIENSTHUBER discloses or suggests, in combination: that the vehicle tire is a winter tire as recited in claim 2; that D_R comprises one of 14 inches, 15 inches, 16 inches and 17 inches as recited in claim 4; that D_R comprises a value between 12 inches and 21 inches as recited in claim 5; that D_R comprises a value greater than 13 inches as recited in claim 6; that each of the plurality of fine indents of the blocks of the pair of center block rows comprise long sections running at least essentially in a crosswise direction and short sections as recited in claim 8; that the central circumferential groove forms an axis of symmetry of the tread rubber profile as recited in claim 14; that the plurality of fine indents of the blocks of the two shoulder block rows are oriented at an angle of between approximately 70 degrees and approximately 85 degrees relative to the circumferential direction as recited in claim 17; that the plurality of fine indents of the blocks of the pair of center block rows are oriented at an angle of between

P24834.A08

approximately 80 degrees and approximately 90 degrees relative to the circumferential direction as recited in claim 18; that the plurality of fine indents of the blocks of the two shoulder block rows are oriented at a first angle relative to a radial plane of the tire and wherein the plurality of fine indents of the blocks of the pair of center block rows are oriented at a second angle relative to a radial plane of the tire, and wherein the first and second angles comprise values which are between approximately 5 degrees and approximately 15 degrees as recited in claim 19; that the first and second angles comprise a value which is approximately 10 degrees as recited in claim 20; and that the first and second angles comprise a value which is between approximately 5 degrees and approximately 10 degrees as recited in claim 21; and that each diagonal groove is both a continuously curved groove and a swept-back groove as recited in claim 22.

Accordingly, Applicant requests that the Examiner reconsider and withdraw the above-noted rejection under 35 U.S.C. § 103(a) and indicate that these claims are allowable over the applied art of record.

Over JP '907 with Peschel, Diensthuber and Rodewald

Applicant respectfully traverses the rejection of claims 13, 23 and 24 under 35 U.S.C. § 103(a) as unpatentable over JP '907 and in view of PESCHEL, DIENSTHUBER and RODEWALD.

The Examiner acknowledged that JP '907 lacks, among other things, the recited fine indent widths. However, the Examiner asserted that these features are obvious and suggested by PESCHEL, DIENSTHUBER and RODEWALD. The Examiner then concluded that it would have been obvious to one of ordinary skill in the art to combine the teachings of these documents.

Applicant respectfully traverses this rejection.

Notwithstanding the Office Action assertions as to what this document discloses, Applicant submits that this document fails to disclose, or even suggest: inter alia, each of the two shoulder block rows and each of the pair of center block rows comprising blocks, each of the blocks comprising a plurality of fine indents running generally parallel to one another, and the fine indents of the blocks of the two shoulder block rows being sinusoidal indents and the fine indents of the blocks of the pair of center block rows being one of stepped and saw-toothed, as recited in at least independent claim 1; and inter alia, each of the left and right side shoulder block rows and each of the left and right side inner block rows comprising blocks, the blocks being defined by continuously curved diagonal grooves that extend from the center circumferential groove to a respective tread rubber edge, each continuously curved diagonal groove running essentially continuously up to and beyond the respective tread rubber edge, whereby left side continuously curved diagonal grooves pass through the left side inner block row and the left side shoulder block row and whereby right side continuously curved diagonal grooves pass through the right side inner block row and the right side shoulder block row, as recited in independent claim 23.

As explained above, Applicant acknowledges that JP '907 discloses a tire having a center groove 1, center block rows 5 and 6, shoulder block rows 3, first and second circumferential grooves 2, swept diagonal grooves 3a/3b, and fine indents in each of the blocks 3, 5 and 6 (see Figs.1-3). However, it is clear from Figs. 1-3 that JP '907 does not disclose, or even suggest, that the fine indents of the blocks of the two shoulder block rows are sinusoidal indents and that the fine indents of the blocks of the pair of center block rows being one of stepped and saw-toothed (claim 1). To the

contrary, while it is apparent that the fine indents of the blocks 3 are sinusoidal, the fine indents of the blocks 5 and 6 are either sinusoidal (Fig. 1), angled (Fig. 2) or straight (Fig. 3). Furthermore, it is not apparent from the figures of JP '907 that this document discloses, or even suggests, that a width of the plurality of fine indents of the blocks of the two shoulder block rows 3 is narrower than a width of the plurality of fine indents of the blocks of the pair of center block rows 5 and 6 (claims 23 and 25).

PESCHEL does not cure the deficiencies of JP '907. Applicant acknowledges that PESCHEL apparently discloses a tire having a center groove 3, center block rows 2, shoulder block rows 1, and first and second circumferential grooves 4 (see Fig. 1). However, it is clear from a fair review of the disclosure of this document that PESCHEL does not disclose, or even suggest, among other things, a tread wherein the diagonal grooves are swept grooves and/or continuously curved grooves that extend from the center circumferential groove to a respective tire edge, such that the diagonal grooves run essentially continuously up to and beyond the respective tire edge and each diagonal groove passing through one of the center block rows and one of the shoulder block rows (claims 1 and 23). To the contrary, Fig. 1 of PESCHEL merely shows non-curved diagonal grooves in and between the center block rows and the shoulder block rows. PESCHEL also fails to disclose or suggest that the fine indents of the blocks of the two shoulder block rows are sinusoidal indents and that the fine indents of the blocks of the pair of center block rows being one of stepped and saw-toothed (claim 1). While it is true that the fine indents of the blocks 1 are sinusoidal, the fine indents of the blocks 2 are also sinusoidal and not one of stepped and saw-toothed (see Fig. 1).

DIENSTHUBER does not cure the deficiencies of JP '907 and PESCHEL. Applicant

acknowledges that DIENSTHUBER apparently discloses a tire having center block rows, shoulder block rows, and circumferential grooves (see Fig. 2). However, it is clear from a fair review of the disclosure of this document that DIENSTHUBER does not disclose, or even suggest, among other things recited in claims 1 and 23, a tread wherein the diagonal grooves are swept grooves and/or continuously curved grooves that extend from a center circumferential groove to a respective tire edge, much less, that the diagonal grooves run essentially continuously up to and beyond the respective tire edge and each diagonal groove passing through one of the center block rows and one of the shoulder block rows. To the contrary, Fig. 2 of DIENSTHUBER merely shows non-curved diagonal grooves in and between the center block rows and the shoulder block rows. DIENSTHUBER also fails to disclose or suggest a central circumferential groove.

RODEWALD does not cure the deficiencies of JP '907, PESCHEL and DIENSTHUBER. Applicant acknowledges that RODEWALD appears to disclose a tire having center rows with adjacent blocks of different circumferential lengths and shoulder block rows with adjacent blocks of different circumferential lengths (see Fig. 1). However, the embodiment of Fig. 1 does not utilize, among other things, a central circumferential groove as recited in claims 1 and 23. Furthermore, it is apparent from a fair review of the drawings of this document that RODEWALD does not disclose, or even suggest, among other things recited in claims 1 and 23, a tread wherein the diagonal grooves are swept grooves and/or continuously curved grooves that extend from the center circumferential groove to a respective tire edge, such that the diagonal grooves run essentially continuously up to and beyond the respective tire edge and each diagonal groove passing through one of the center block rows and one of the shoulder block rows. To the contrary, Fig. 4 of RODEWALD does not shows

P24834.A08

any diagonal grooves passing through the center rows and shows non-swept and straight non-curved diagonal grooves in the shoulder block rows. RODEWALD also fails to disclose or suggest that the fine indents of the blocks of the two shoulder block rows are sinusoidal indents and that the fine indents of the blocks of the pair of center block rows being one of stepped and saw-toothed (claim 1). To the contrary, the fine indents of the shoulder blocks are straight and the fine indents of the center row blocks are also straight (see Figs. 1-4).

Thus, Applicant submits that the above-noted documents fail to disclose or suggest the features recited in at least amended independents claim 1 and 23. Because no proper combination of the above-noted documents discloses or suggests at least the above-noted features of the instant invention, Applicant submits that no proper combination of JP '907, PESCHEL, DIENSTHUBER and RODEWALD can render unpatentable the combination of features recited in at least independent claims 1 and 23.

Furthermore, Applicant submits that there is no motivation or rationale disclosed or suggested in the art to modify any of the applied documents in the manner asserted by the Examiner. Nor does the Examiner's opinion provide a proper basis for these features or for the motivation to modify these documents, in the manner suggested by the Examiner. Therefore, Applicant submits that the invention as recited in at least independent claims 1 and 23 is not rendered obvious by any reasonable inspection of these disclosures.

Finally, Applicant submits that dependent claims 13 and 24 are allowable at least for the reason that these claims depend from an allowable base claim and because these claims recite additional features that further define the present invention. In particular, Applicant submits that no

proper combination of JP '907, PESCHEL, DIENSTHUBER and RODEWALD discloses or suggests, in combination: that a width of the plurality of fine indents of the blocks of the two shoulder block rows is narrower than a width of the plurality of fine indents of the blocks of the pair of center block rows as recited in claim 13; and that a ratio of the width X to the width Y increases as a diameter of a rim D_R to which the vehicle tire can be connected decreases as recited in claim 24.

Accordingly, Applicant requests that the Examiner reconsider and withdraw the above-noted rejection under 35 U.S.C. § 103(a) and indicate that this claim is allowable over the applied art of record.

Over JP '907 with Peschel, Diensthuber, Rodewald and Colombo

Applicant traverses the rejection of claims 25-34 under 35 U.S.C. § 103(a) as being unpatentable over JP '907 in view of PESCHEL, DIENSTHUBER, RODEWALD and COLOMBO.

The Examiner essentially acknowledges that JP '907 fails to disclose or suggest the recited groove widths, but asserts that PESCHEL, DIENSTHUBER, RODEWALD and COLOMBO discloses these features, and that it would have been obvious to combine the teachings of these documents. Applicant respectfully traverses this rejection.

Notwithstanding the Office Action assertions as to what this document discloses, Applicant submits that this document fails to disclose, or even suggest: inter alia, each of the two shoulder block rows and each of the pair of center block rows comprising blocks, each of the blocks comprising a plurality of fine indents running generally parallel to one another, and the fine indents of the blocks of the two shoulder block rows being sinusoidal indents and the fine indents of the

blocks of the pair of center block rows being one of stepped and saw-toothed, as recited in at least independent claim 1; inter alia, each of the left and right side shoulder block rows and each of the left and right side inner block rows comprising blocks, the blocks being defined by continuously curved diagonal grooves that extend from the center circumferential groove to a respective tread rubber edge, each continuously curved diagonal groove running essentially continuously up to and beyond the respective tread rubber edge, whereby left side continuously curved diagonal grooves pass through the left side inner block row and the left side shoulder block row and whereby right side continuously curved diagonal grooves pass through the right side inner block row and the right side shoulder block row, as recited in independent claim 23, and inter alia, each of the left and right side shoulder block rows and each of the left and right side inner block rows comprising blocks, the blocks being defined by continuously curved diagonal grooves that extend from the center circumferential groove to a respective tread rubber edge, each continuously curved diagonal groove running essentially continuously up to and beyond the respective tread rubber edge, whereby left side continuously curved diagonal grooves pass through the left side inner block row and the left side shoulder block row and whereby right side continuously curved diagonal grooves pass through the right side inner block row and the right side shoulder block row, as recited in independent claim 25.

As explained above, Applicant acknowledges that JP '907 discloses a tire having a center groove 1, center block rows 5 and 6, shoulder block rows 3, first and second circumferential grooves 2, swept diagonal grooves 3a/3b, and fine indents in each of the blocks 3, 5 and 6 (see Figs.1-3). However, it is clear from Figs. 1-3 that JP '907 does not disclose, or even suggest, that the fine indents of the blocks of the two shoulder block rows are sinusoidal indents and that the fine indents

of the blocks of the pair of center block rows being one of stepped and saw-toothed (claim 1). To the contrary, while it is apparent that the fine indents of the blocks 3 are sinusoidal, the fine indents of the blocks 5 and 6 are either sinusoidal (Fig. 1), angled (Fig. 2) or straight (Fig. 3). Furthermore, it is not apparent from the figures of JP '907 that this document discloses, or even suggests, that a width of the plurality of fine indents of the blocks of the two shoulder block rows 3 is narrower than a width of the plurality of fine indents of the blocks of the pair of center block rows 5 and 6 (claims 23 and 25). Furthermore, it is apparent from the drawings that JP '907 teaches to make the adjacent blocks of the center block rows and the shoulder block rows so as to have the same circumferential lengths and is silent with regard to two circumferentially adjacent blocks of the left and right side shoulder block rows having different circumferential lengths and two circumferentially adjacent blocks of the left and right side inner block rows having different circumferential lengths.

PESCHEL does not cure the deficiencies of JP '907. Applicant acknowledges that PESCHEL apparently discloses a tire having a center groove 3, center block rows 2, shoulder block rows 1, and first and second circumferential grooves 4 (see Fig. 1). However, it is clear from a fair review of the disclosure of this document that PESCHEL does not disclose, or even suggest, among other things, a tread wherein the diagonal grooves are swept grooves and/or continuously curved grooves that extend from the center circumferential groove to a respective tire edge, such that the diagonal grooves run essentially continuously up to and beyond the respective tire edge and each diagonal groove passing through one of the center block rows and one of the shoulder block rows (claims 1, 23 and 25). To the contrary, Fig. 1 of PESCHEL merely shows non-curved diagonal grooves in and between the center block rows and the shoulder block rows. PESCHEL also fails to

disclose or suggest that the fine indents of the blocks of the two shoulder block rows are sinusoidal indents and that the fine indents of the blocks of the pair of center block rows being one of stepped and saw-toothed (claim 1). While it is true that the fine indents of the blocks 1 are sinusoidal, the fine indents of the blocks 2 are also sinusoidal and not one of stepped and saw-toothed (see Fig. 1).

DIENSTHUBER does not cure the deficiencies of JP '907 and PESCHEL. Applicant acknowledges that DIENSTHUBER apparently discloses a tire having center block rows, shoulder block rows, and circumferential grooves (see Fig. 2). However, it is clear from a fair review of the disclosure of this document that DIENSTHUBER does not disclose, or even suggest, among other things recited in claims 1, 23 and 25, a tread wherein the diagonal grooves are swept grooves and/or continuously curved grooves that extend from a center circumferential groove to a respective tire edge, much less, that the diagonal grooves run essentially continuously up to and beyond the respective tire edge and each diagonal groove passing through one of the center block rows and one of the shoulder block rows. To the contrary, Fig. 2 of DIENSTHUBER merely shows non-curved diagonal grooves in and between the center block rows and the shoulder block rows. DIENSTHUBER also fails to disclose or suggest a central circumferential groove.

RODEWALD does not cure the deficiencies of JP '907, PESCHEL and DIENSTHUBER. Applicant acknowledges that RODEWALD appears to disclose a tire having center rows with adjacent blocks of different circumferential lengths and shoulder block rows with adjacent blocks of different circumferential lengths (see Fig. 1). However, the embodiment of Fig. 1 does not utilize, among other things, a central circumferential groove as recited in claims 1, 23 and 25. Furthermore, it is apparent from a fair review of the drawings of this document that RODEWALD does not

disclose, or even suggest, among other things recited in claims 1, 23 and 25, a tread wherein the diagonal grooves are swept grooves and/or continuously curved grooves that extend from the center circumferential groove to a respective tire edge, such that the diagonal grooves run essentially continuously up to and beyond the respective tire edge and each diagonal groove passing through one of the center block rows and one of the shoulder block rows. To the contrary, Fig. 4 of RODEWALD does not show any diagonal grooves passing through the center rows and shows non-swept and straight non-curved diagonal grooves in the shoulder block rows. RODEWALD also fails to disclose or suggest that the fine indents of the blocks of the two shoulder block rows are sinusoidal indents and that the fine indents of the blocks of the pair of center block rows being one of stepped and saw-toothed (claim 1). To the contrary, the fine indents of the shoulder blocks are straight and the fine indents of the center row blocks are also straight (see Figs. 1-4).

COLOMBO does not cure the deficiencies of JP '907, PESCHEL, DIENSTHUBER and RODEWALD. While it is apparent that COLOMBO discloses a tire having a center groove 15, center block rows 18 and 19, shoulder block rows 20 and 21, first and second circumferential grooves 16 and 17, swept diagonal grooves 23 and 24, and fine indents in each of the blocks 18-21 (see Fig. 2), it is clear from Fig. 2 that COLOMBO does not disclose, or even suggest, that the fine indents of the blocks of the two shoulder block rows are sinusoidal indents and that the fine indents of the blocks of the pair of center block rows being one of stepped and saw-toothed (claim 1). To the contrary, the fine indents of the blocks 18 and 19 are straight and the fine indents of the blocks 20 and 21 comprise straight center portions with angled end portions.

It is also clear from Fig. 2 that COLOMBO does not disclose, or even suggest, continuously curved diagonal grooves that extend from the center circumferential groove to a respective tread rubber edge, each continuously curved diagonal groove running essentially continuously up to and beyond the respective tread rubber edge, whereby left side continuously curved diagonal grooves pass through the left side inner block row and the left side shoulder block row and whereby right side continuously curved diagonal grooves pass through the right side inner block row and the right side shoulder block row (claim 23) and/or continuously curved diagonal grooves that extend from the center circumferential groove to a respective tread rubber edge, each continuously curved diagonal groove running essentially continuously up to and beyond the respective tread rubber edge, whereby left side continuously curved diagonal grooves pass through the left side inner block row and the left side shoulder block row and whereby right side continuously curved diagonal grooves pass through the right side inner block row and the right side shoulder block row (claim 25). To the contrary, Figs. 2-4 clearly show that the diagonal grooves have straight sections 27 (see, in particular, Figs. 3 and 4).

Nor has the Examiner identified any prior art which would cure at least these deficiencies so as to support an obviousness rejection.

Thus, Applicant submits that the above-noted claims are not disclosed, or even suggested, by any proper combination of JP '907, PESCHEL, DIENSTHUBER, RODEWALD and COLOMBO.

Because the applied documents fail to disclose or suggest at least the above-noted features of the instant invention, Applicant submits that no proper combination of these documents can render unpatentable the combination of features recited in at least independent claims 1, 23 and 25.

Furthermore, Applicant submits that the Examiner has neglected to set forth any proper basis for combining the teachings of the applied documents. In establishing a *prima facie* case of obviousness under 35 U.S.C. § 103, it is incumbent upon the Examiner to provide a reason *why* one of ordinary skill in the art would have found it obvious to modify a prior art reference or to combine reference teachings to arrive at the claimed invention. See *Ex parte Clapp*, 227 USPQ 972 (B.P.A.I. 1985). To this end, the requisite motivation must stem from some teaching, suggestion or inference in the prior art as a whole or from the knowledge generally available to one of ordinary skill in the art and not from Applicant's disclosure. See, for example, *Uniroyal, Inc. v. Rudkin-Wiley Corp.*, 837 F.2d 1044, 5 USPQ2d 1434 (Fed. Cir. 1988). As noted above, each of the applied art is silent with regard to a number of recited features. Moreover, none of the applied art teach or suggests modifying the tire tread of JP '907 in the manner asserted by the Examiner.

Because the art of record fails to provide any reasonable explanation why one ordinarily skilled in the art would utilize such a tread arrangement, and/or fails to disclose or suggest the problems that such an arrangement would address, Applicant submits that the art of record fails to provide the requisite motivation or rationale as to *why* one ordinarily skilled in the art would modify JP '907 in the manner asserted by the Examiner. That is, Applicant submits that because the Examiner has not set forth an articulable reason found in the art of record for modifying JP '907 in the manner asserted by the Examiner, the instant rejection has no basis in the art of record, such that the rejection is improper and should be withdrawn.

Finally, Applicant submits that dependent claims 26-34 are allowable at least for the reason that these claims depend from allowable base claims and because these claims

recite additional features that further define the present invention. In particular, Applicant submits that no proper combination of JP '907, PESCHEL, DIENSTHUBER, RODEWALD and COLOMBO discloses or suggests, in combination: that the continuously curved diagonal grooves comprise a width that is less than a width of either of the center circumferential groove and the left and right side circumferential grooves as recited in claim 26; that each of the blocks comprise edges delineating the continuously curved diagonal grooves which are oriented at an angle that is not perpendicular to a circumferential direction as recited in claim 27; that each of the blocks comprises a plurality of fine indents running generally parallel to one another as recited in claim 28; that a ratio of the width X to the width Y increases as a diameter of a rim D_R to which the vehicle tire can be connected decreases as recited in claim 29; that the vehicle tire is a winter tire as recited in claim 30; that the center circumferential groove is generally narrower than the first and second circumferential grooves as recited in claim 31; that the center circumferential groove is generally narrower than the left and right side circumferential grooves as recited in claim 32; that the fine indents of the blocks of the left and right side shoulder block rows being sinusoidal indents and the fine indents of the blocks of the left and right side inner block rows being one of stepped and saw-toothed as recited in claim 33; and that the fine indents of the blocks of the left and right side shoulder block rows being sinusoidal indents and the fine indents of the blocks of the left and right side inner block rows being one of stepped and saw-toothed as recited in claim 34.

Applicant requests that the Examiner reconsider and withdraw the rejection of the above-noted claims under 35 U.S.C. § 103(a).

New Claims are also Allowable

Applicant submits that the new claims 35-43 are allowable over the applied art of record. Specifically, claims 35-43 depend from claims 1, 23 and 25 which are believed to be allowable. Furthermore, claims 35-43 recite a combination of features which are clearly not disclosed or suggested by the applied art of record. Accordingly, Applicant respectfully requests consideration of these claims and further requests that the above-noted claims be indicated as being allowable.

CONCLUSION

In view of the foregoing, it is submitted that none of the references of record, either taken alone or in any proper combination thereof, anticipate or render obvious the Applicant's invention, as recited in each of the pending claims. The applied references of record have been discussed and distinguished, while significant claimed features of the present invention have been pointed out.

Further, any amendments to the claims which have been made in this response and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Accordingly, reconsideration of the outstanding Office Action and allowance of the present application and all the claims therein are respectfully requested and now believed to be appropriate.

Authorization is hereby given to refund excess payments and charge any additional fee necessary to have this paper entered to Deposit Account No. 19-0089.

P24834.A08

Should there be any questions, the Examiner is invited to contact the undersigned attorney at the number listed below.

Respectfully submitted,
Hinnerk KAISER et al.

A handwritten signature in black ink, appearing to read 'Neil F. Greenblum', written over a horizontal dashed line.

Neil F. Greenblum
Reg. No. 28,394

Robert W. Mueller
Reg. No. 35,043

February 27, 2007
GREENBLUM & BERNSTEIN, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191
703-716-1191